

EXHIBIT 5

Malhi, Jaywin (CRT)

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Tuesday, November 8, 2022 1:09 PM
To: Malhi, Jaywin (CRT); Eric Nichols; Tommie Cardin
Cc: Mellett, Timothy F (CRT); Freeman, Daniel (CRT)
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

We do not intend to produce any additional documents at this time. However, if you have any questions about any of the new entries on our privilege log, we'd be happy to confer with you regarding those.

Thanks,
Marshall

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Sent: Friday, November 4, 2022 2:59 PM
To: Marshall Bowen <Marshall.Bowen@butlersnow.com>; Eric Nichols <Eric.Nichols@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

As discussed during our August 30 meet and confer, we believe that none of your logged documents are privileged and they must all be produced. For the reasons you explained during the same meet and confer, we understand you disagree. As we have also previously discussed, we do not think the work-product claims you recently added to your second revised privilege log are applicable. By 5 PM ET on Monday (November 7), can you please confirm that you do not intend to produce any more logged documents? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Thursday, October 20, 2022 6:10 PM

To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>; Eric Nichols <Eric.Nichols@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

Without regard to whether the ESI protocol applies to a subpoena issued to Respondents, who are not parties, we do not object to the November 18, 2022 deadline.

Thanks,
Marshall

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Sent: Thursday, October 20, 2022 2:58 PM

To: Marshall Bowen <Marshall.Bowen@butlersnow.com>; Eric Nichols <Eric.Nichols@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

Thanks for sharing Respondents' third supplemental production yesterday evening. We noticed you also produced a second revised privilege log. We will review your new production and log and be in touch with any follow-up questions soon. Per the ESI Order in *LULAC v. Abbott*, we also understand that our deadline to move to compel regarding your new privilege log is Friday, November 18, 2022. By noon ET tomorrow, can you please confirm whether you agree? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>

Sent: Wednesday, October 19, 2022 5:32 PM

To: Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Eric Nichols <Eric.Nichols@butlersnow.com>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Tommie Cardin <Tommie.Cardin@butlersnow.com>;

Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Dan,

Please see below for a sharefile link containing a supplemental production.

Link: [REDACTED]

Password: [REDACTED]

Thanks,
Marshall

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>
Sent: Monday, October 17, 2022 3:14 PM
To: Eric Nichols <Eric.Nichols@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Marshall Bowen <Marshall.Bowen@butlersnow.com>; Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Eric,

Thank you for the update. As you know, we have already sought an extension of the deadline to file any motion to compel concerning Mr. Bryan and Mr. Wienckowski's privilege logs, and the extended deadline expires on Friday. So that we may have adequate time to consider the anticipated privilege assertions referenced in your message, can you commit to providing these documents by no later than Wednesday at 5 p.m. EST?

Thank you,

Dan

From: Eric Nichols <Eric.Nichols@butlersnow.com>
Sent: Monday, October 17, 2022 3:27 PM
To: Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Marshall Bowen <Marshall.Bowen@butlersnow.com>; Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Thanks Dan.

We have gathered the attachments and anticipate an additional production this week. Some of the attachments will be redacted on the basis of privilege. Once you have seen the production we can follow up on any additional questions.

Eric

Eric J.R. Nichols
Butler Snow LLP

D: (737) 802-1807 | C: | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Eric.Nichols@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>
Sent: Monday, October 17, 2022 8:25 AM
To: Eric Nichols <Eric.Nichols@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Marshall Bowen <Marshall.Bowen@butlersnow.com>; Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Eric,

At Chairman Hunter's reopened deposition last Tuesday, you acknowledged that your colleague had missed the agreed upon deadline of October 7 either to update Mr. Bryan and Mr. Weinckowski's privilege logs or to produce documents that had been identified as attachments to emails already produced. You then requested a new deadline of October 14, to which I agreed in the interest of comity. But October 14 has now come and gone. To the extent that you intend to take further action regarding these documents, please let me know promptly.

Regards,

Dan Freeman

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Wednesday, September 28, 2022 3:36 PM
To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Eric Nichols <Eric.Nichols@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

We are making efforts to collect the attachments at issue in your email and review those. We will not be in a position to let you know whether we will produce any of the content of those attachments until we collect them, review them, and confer with our clients. We anticipate that this process, of identifying what if any content of those attachments will be produced, should be completed by no later than October 7. Thanks.

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Sent: Wednesday, September 28, 2022 10:38 AM

To: Marshall Bowen <Marshall.Bowen@butlersnow.com>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>;
Tommie Cardin <Tommie.Cardin@butlersnow.com>; Eric Nichols <Eric.Nichols@butlersnow.com>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

We have still not heard back from you as to whether you intend to produce the 16 unproduced, unlogged documents we identified to you in our September 19 email or any other unproduced documents. We anticipate that we will be filing a motion to compel regarding these and other documents on your privilege log. Can you please let us know by the close of business today if you will be producing any additional documents? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>

Sent: Friday, September 23, 2022 4:55 PM

To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>;
Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

We are still looking at the issue and will get back to you early next week.

Thanks and have a good weekend.

Marshall

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Sent: Thursday, September 22, 2022 7:56 AM

To: Marshall Bowen <Marshall.Bowen@butlersnow.com>

Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>;
Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

Can you let us know by the close of business tomorrow (Friday, September 23) whether you intend to produce these or any other documents? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Tuesday, September 20, 2022 4:50 PM
To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

We're taking a look at this and will get back to you as soon as possible.

Thanks,
Marshall

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Sent: Monday, September 19, 2022 8:33 PM
To: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

Your recent production reflects 16 additional documents that appear relevant and attached to produced emails but have been neither logged nor produced. See, e.g., BRY-WIEN_0000970, BRY-WIEN_0000972, BRY-WIEN_0000979, BRY-WIEN_0000989, BRY-WIEN_0000991, BRY-WIEN_0001036, BRY-WIEN_0001041, BRY-WIEN_0001043, BRY-WIEN_0001047, BRY-WIEN_0001048, BRY-WIEN_0001051, BRY-WIEN_0001053 & BRY-WIEN_0001066. Do you intend to produce these or any other unproduced documents? Please let us know by the close of business tomorrow. Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Monday, September 12, 2022 5:41 PM
To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Jaywin,

We intended to produce PRIV_0374 without redactions and PRIV_0169 with redactions.

Marshall A. Bowen
Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Sent: Monday, September 12, 2022 9:50 AM
To: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

We noticed some discrepancies in your revised privilege log, about which we wanted to check with you out of an abundance of caution. For example, the log indicates that PRIV_0374 was produced with redactions, but that document (BRY-WIEN_0000951) appears to have been produced without redactions. And the log indicates that PRIV_0169 was entirely withheld, but that document (BRY-WIEN_0000968) appears to have been produced with redactions. We just want to make sure you didn't produce anything unintentionally. Can you please confirm as soon as possible? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

Please see below for our second supplemental production and the attached revised privilege log. We removed from the privilege log the unredacted emails we have produced (which includes a handful of unredacted emails in this production), and we added a notes column to the privilege log to identify emails on the log that we have produced with privileged communications redacted.

Thanks,

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From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Thursday, September 1, 2022 12:54 PM
To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>; Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: Re: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Yes, this works for us.

Thanks,

Marshall A. Bowen
Butler Snow LLP
(512) 417-9721
Marshall.bowen@butlersnow.com

On Aug 31, 2022, at 11:06 PM, Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov> wrote:

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From: Marshall Bowen <Marshall.Bowen@butlersnow.com>
Sent: Wednesday, August 31, 2022 4:36 PM
To: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>; Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>
Cc: Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>
Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski
Privilege Log

As a follow-up to our call yesterday, here are the identities of the email addresses you inquired about:

Also, below is a link to a OneDrive folder containing a subsequent production which includes natives of the files you identified and 45 scheduling-related emails. We are also reviewing additional scheduling-related emails that contain privileged communications and are working through making redactions to those emails as well as to emails related to invoicing/retention. As a result, we anticipate making another production next week that will include redacted scheduling emails and redacted emails regarding invoicing/retention.

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To: 'Malhi, Jaywin (CRT)' <Jaywin.Malhi@usdoj.gov>

Cc: Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

Subject: RE: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Thanks, Jaywin. Talk to you then.

Marshall A. Bowen

Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801

1400 Lavaca Street, Suite 1000, Austin, TX 78701

Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>

Sent: Friday, August 26, 2022 11:24 AM

To: Marshall Bowen <Marshall.Bowen@butlersnow.com>

Cc: Scott Field <Scott.Field@butlersnow.com>; Tommie Cardin <Tommie.Cardin@butlersnow.com>; Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT) <Daniel.Freeman@usdoj.gov>

Subject: Re: [EXTERNAL] RE: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski Privilege Log

Marshall,

Thanks for sharing your availability. 3 PM CT on Tuesday (August 30) works for us. We can use this Zoom room: [REDACTED]. Thanks.

Jaywin Singh Malhi

Trial Attorney

Voting Section, Civil Rights Division

United States Department of Justice

jaywin.malhi@usdoj.gov

(202) 598-0146

On Aug 25, 2022, at 2:47 PM, Marshall Bowen <Marshall.Bowen@butlersnow.com> wrote:

Jaywin,

We aren't available on Monday, but Tommie Cardin and I are available on Tuesday (August 30) afternoon. How does 3:00 PM CT on Tuesday, August 30 work?

Thanks,

Marshall A. Bowen

Butler Snow LLP

D: (737) 802-1782 | C: (512) 417-9721 | F: (737) 802-1801
1400 Lavaca Street, Suite 1000, Austin, TX 78701
Marshall.Bowen@butlersnow.com | [vCard](#) | [Bio](#)

[Twitter](#) | [LinkedIn](#) | [Facebook](#) | [YouTube](#)

From: Malhi, Jaywin (CRT) <Jaywin.Malhi@usdoj.gov>
Sent: Thursday, August 25, 2022 10:51 AM
To: Scott Field <Scott.Field@butlersnow.com>; Marshall Bowen
<Marshall.Bowen@butlersnow.com>; Tommie Cardin
<Tommie.Cardin@butlersnow.com>
Cc: Mellett, Timothy F (CRT) <Timothy.F.Mellett@usdoj.gov>; Freeman, Daniel (CRT)
<Daniel.Freeman@usdoj.gov>
Subject: LULAC v. Abbott, No. 21-cv-259 (Redistricting) - Bryan and Wienckowski
Privilege Log

Counsel:

We would like to meet and confer with you about the Bryan and Wienckowski privilege log you produced last Friday (August 19). When are you available to discuss on Monday (August 29)? Thanks.

Jaywin Singh Malhi
Trial Attorney
Voting Section, Civil Rights Division
United States Department of Justice
jaywin.malhi@usdoj.gov
(202) 598-0146

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